

**REMARKS**

The foregoing amendments have been made in response to the outstanding Office Action mailed February 25, 2004 a response being due on today's date, May 25, 2003. In response to that Office Action, claims 1 through 7 and 12 through 15 have been canceled. New dependant Claims 16 , 17, 18 and 19 have been added. Claim 8, the only remaining independent claim has been amended to be substantially the same as Claim 1 of U.S. Patent No. 6,616,381 with the exception being that the term "building" has been amended to the somewhat broader term "structure" which would include buildings as well as other structures for example but not limited to pipeline supports or telephone poles.

Claim 8 has been amended to amplify that applicant's invention is directed to a drivable anti-jacking pile. Unlike the Howard patent which is installed in a predrilled hole, the pile as claimed is drivable into the soil. This claimed feature results in great savings of time and expense in the installation process. Furthermore, a driven pile may be used in non-permafrost conditions where freeze-thaw cycles would still require protection against frost heave induced jacking effects, while the patent of Howard is only feasible for permafrost conditions. Howard, in column 2 at lines 54 through 66, explains the installation procedure required to prevent damage to the sleeve 24. It would be impossible to drive the pile of Howard without damaging the sleeve 24.

This amendment is being submitted with a terminal disclaimer in compliance 37 CFR 1.321(c).

Serial No. 10/628,252


May 25, 2004

It is believed that the claims now pending in the application define patentable subject matter over the references of record. Hence, it is asserted that the subject application is now in condition for allowance and it is requested that the application be issued without delay.

It is believed that no additional fees are due at this time, however should this determination be incorrect then please charge any deficiencies to our Deposit Account No. 13-2759 and notify the undersigned in due course. Should the Examiner wish to discuss this matter further, please contact the undersigned at the below listed number.

Respectfully submitted,

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